

REMARKS

Claims 1-10 have been examined. Claims 6 and 10 have been rejected under 35 U.S.C. § 103(a). Also, the Examiner has indicated that claims 1-5 and 7-9 are allowed.

I. Preliminary Matters

In the August 19, 2004 Amendment, Applicant noted that the Examiner had not acknowledged the drawings submitted on October 13, 2000. Since the present Office Action fails to respond to this issue, Applicant again respectfully requests the Examiner to indicate, in the next Office Action, whether such drawings are acceptable.

Also, in the May 19, 2004 Office Action, the Examiner maintained that the Black publication, cited in the October 13, 2000 Information Disclosure Statement, has not been considered, because the Applicant did not provide a copy of pgs. 159-179 of the publication. Accordingly, in the August 19, 2004 Amendment, Applicant submitted that a copy of the publication pages was originally submitted with the IDS, along with the other listed documents, as evidenced by the PTO mailroom receipt stamp on the copy of the filing receipt (which was submitted with the Amendment). In order to expedite prosecution, Applicant submitted a second copy of the cited pages, along with the original 1449 form, so that the Examiner could initial the citation of the Black publication.

In the current Office Action, the Examiner has not acknowledged the submission, nor provided the initialed PTO 1449 form. Accordingly, Applicant again respectfully requests the Examiner to provide, in the next Office Action, the initialed PTO 1449 form.

II. Allowable Subject Matter

On the Office Action Summary, the Examiner has indicated that claims 1-9 are allowed. However, since a prior art rejection has been provided for claim 6, Applicant assumes the Examiner made a typographical error. Thus, Applicant assumes herein that claims 1-5 and 7-9 are currently allowed.

III. Rejections under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6 and 10 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,831,975 to Chen et al. ("Chen").

A. Claim 6

Applicant submits that claim 6 is patentable over the cited reference. For example, claim 6 recites means for supporting an exchange of connection data between data banks in network nodes of the underlying network levels for which the higher network level network node is responsible, and means for supporting an exchange of connection data between data banks in other network nodes of the underlying network levels, for maintaining the connection data as respective stored data.

In the August 19, 2004 Amendment, Applicant argued that the above features are not inherent in the Chen reference (the specific arguments are herein incorporated by reference).

Thus, Applicant requested the Examiner to cite to an additional reference in support of her position.

In the current Office Action, the Examiner rejects claim 6 under 35 U.S.C. § 103(a), and acknowledges that Chen does not expressly disclose a means for supporting an exchange of connection data between data banks in other network nodes of the underlying network levels, but maintains that it would have been obvious. As suggestion/motivation, the Examiner maintains that one skilled in the art would have been motivated to have one or more data banks in order to provide redundancy and to provide for synchronization (pg. 2 of Office Action).

The Examiner, however, has not cited to any reference in support of why one skilled in the art would have been provided with the alleged suggestion and motivation to modify Chen (i.e., since the alleged suggestion/motivation is not provided by the teachings of Chen). Applicant submits that, as set forth in MPEP §2143.01, “[t]he level of skill in the art cannot be relied upon to provide the *suggestion* to combine references.” (emphasis added).

Accordingly, Applicant respectfully requests the Examiner to cite to an additional reference which would provide proper suggestion to modify the Chen reference, rather than rely solely on the “knowledge of one skilled in the art” for the proffered suggestion and motivation, in the event that the Examiner continues to consider claim 6 allowable.

B. Claim 10

Applicant submits that claim 10 is patentable over the cited reference. For example, claim 10 recites a data bank in each lower network level network node that stores connection data for a closer environment. Further, an additional data bank is assigned to at least one lower network level network node, the additional data bank for storing connection data for a wider environment.

The Chen reference discloses that each node in a lower level peer group has a database therein (Fig. 1; col. 5, lines 34-36). Chen, however, fails to disclose that one of the nodes in the peer group is assigned an additional database (i.e. data bank), that contains connection data for a wider environment. Rather, Chen merely discloses that the database in every lower level node contains topology information regarding all nodes within a peer group, as well as aggregate information of other peer groups (col. 5, lines 24-37). There is no disclosure that one of the nodes is also provided with an additional database (i.e. data bank) which stores connection data available for the entire topology network (i.e. a wider environment). In particular, since all aggregate information is already stored in the database in each node, there is no need in Chen for an “additional” database assigned to a node.

Accordingly, since Chen fails to disclose that an additional database (i.e. data bank) is assigned to a lower level node, Applicant submits that claim 10 is patentable over the cited reference.

Further, as set forth on pg. 2 of the present Application, when a data bank of each network node contains connection data for the whole network, the quantity of data in each network node is large, and maintenance is problematic. On the other hand, as recited in claim 10, the wider environment connection data is maintained in the additional data bank, while the connection data for a closer environment is maintained in the database in each lower network level network node. Such configuration reduces the quantity of data to be stored in each network node. As stated above, Chen discloses that each node database contains information for both its own peer group, as well as aggregate information for the entire network. Therefore, each network node of Chen may contain excessive amounts of data, which can lead to maintenance problems.

Based on the foregoing, Applicant submits that Chen neither discloses nor suggests each and every feature recited in claim 10.

On pages 3 and 4 of the Office Action, the Examiner acknowledges that Chen does not expressly disclose two separate databanks, but contends that such modification would be obvious. However, for the reasons set forth above, Applicant submits that, based on the teachings of Chen alone, there is no suggestion to modify the reference in the manner suggested by the Examiner. Accordingly, if the rejection is to be maintained, Applicant respectfully requests the Examiner to cite to an additional reference that would support the Examiner's statements regarding the motivation for modification of Chen.

Response under 37 C.F.R. § 1.116
U.S. Application No. 09/689,857

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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